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LIFETIME PRODUCTS, INC.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

LIFETIME PRODUCTS, INC., a Utah corporation,) Civil Action No. 1:12-cv-00178-EJF
Plaintiff,)
v.)
GSC TECHNOLOGIES CORP., a Canadian corporation,)
Defendant.) Magistrate Judge Evelyn J. Furse

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lifetime Products, Inc. complains and alleges against Defendant GSC Technologies Corp. as follows:

THE PARTIES

1. Plaintiff Lifetime Products, Inc. (hereinafter "Lifetime" or "Plaintiff") is a Utah corporation with a principal place of business at Freeport Center, Building D-11, Clearfield, Utah 84016.

2. Upon information and belief, Defendant GSC Technologies Corp. (hereinafter “GSC” or “Defendant”), is a Canadian corporation with a principal place of business at 160 Rue Vanier, Saint-Jean-sur-Richelieu, Quebec, Canada J3B 3R4.

NATURE OF THE CLAIMS

3. This is an action for patent infringement. The products accused of infringement are blow-molded tables made, used, offered for sale, sold and/or imported by Defendant in or into the United States, including sales and offers for sale within this judicial district.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, including 35 U.S.C. § 271, which gives rise to the remedies specified under 35 U.S.C. §§ 281, 283, 284, and 285.

5. This Court has subject matter jurisdiction over Lifetime’s claims for relief pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Upon information and belief, Defendant has sold or contracted for the sale of infringing goods, either directly or through established distribution channels, within the State of Utah. These actions by Defendant have resulted in injury to Lifetime and relate to, and in part give rise to, the claims asserted herein by Lifetime.

7. This Court’s exercise of personal jurisdiction over Defendant is consistent with the Constitutions of the United States and the State of Utah. Moreover, this Court has personal jurisdiction over Defendant pursuant to the Utah Long Arm Statute, Utah Code Ann. § 78B-3-205.

8. Pursuant to 28 U.S.C. § 1391(c), Defendant is deemed to reside in this judicial district for purposes of venue.

9. Venue is proper in this judicial district pursuant to, at least, 28 U.S.C. §§ 1391(b)(1), 1391(b)(2), 1391(d), and 1400(b).

BACKGROUND

10. Lifetime is the world's leading manufacturer of blow-molded tables, a position achieved by applying innovation and cutting-edge technology in plastics and metals to develop new products having superior strength and durability.

11. Lifetime's technological innovations in the field of blow-molded tables are protected, *inter alia*, by a portfolio of utility patents which includes United States Patent Nos. 7,111,563, 7,475,643, and 7,814,844 (hereinafter individually referred to as "the '563 Patent", "the '643 Patent", and "the '844 Patent" respectively, and collectively referred to as "the Lifetime Patents"), true and correct copies of which are attached hereto as Exhibits A, B, and C.

12. Lifetime is the owner by assignment of the Lifetime Patents.

13. Lifetime has not licensed Defendant to practice the Lifetime Patents and Defendant does not have any right or authority to practice the Lifetime Patents.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Infringement of the '563 Patent

14. Lifetime restates, realleges, and incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

15. Defendant makes, sells, offers for sale, and/or imports in and into the United States blow-molded tables falling within the scope of at least claim 1 of the '563 Patent, including but not limited to model number 3072FW and model number 3072F. Such conduct constitutes infringement under 35 U.S.C. § 271.

16. By at least the activities alleged in the preceding paragraph, Defendant has infringed, continues to infringe, and, unless and until enjoined by this Court, will continue to infringe the '563 Patent.

17. Lifetime is entitled to injunctive and monetary relief against Defendant, pursuant to 35 U.S.C. §§ 283, 284, and 285, as more fully set forth herein.

SECOND CLAIM FOR RELIEF

Infringement of the '643 Patent

18. Lifetime restates, realleges, and incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

19. Defendant makes, sells, offers for sale, and/or imports in and into the United States blow-molded tables falling within the scope of at least claim 17 of the '643 Patent, including but not limited to model number 3072FW and model number 3072F. Such conduct constitutes infringement under 35 U.S.C. § 271.

20. By at least the activities alleged in the preceding paragraph, Defendant has infringed, continues to infringe, and, unless and until enjoined by this Court, will continue to infringe the '643 Patent.

21. Lifetime is entitled to injunctive and monetary relief against Defendant, pursuant to 35 U.S.C. §§ 283, 284, and 285, as more fully set forth herein.

THIRD CLAIM FOR RELIEF

Infringement of the '844 Patent

22. Lifetime restates, realleges, and incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

23. Defendant makes, sells, offers for sale, and/or imports in and into the United States blow-molded tables falling within the scope of at least claim 1 of the '844 Patent, including but not limited to model number 3072FW and model number 3072F. Such conduct constitutes infringement under 35 U.S.C. § 271.

24. By at least the activities alleged in the preceding paragraph, Defendant has infringed, continues to infringe, and, unless and until enjoined by this Court, will continue to infringe the '844 Patent.

25. Lifetime is entitled to injunctive and monetary relief against Defendant, pursuant to 35 U.S.C. §§ 283, 284, and 285, as more fully set forth herein.

PRAYER FOR RELIEF

WHEREFORE, Lifetime requests that the Court grant Lifetime the following relief:

1. A judgment finding Defendant liable for infringement of the Lifetime Patents;
2. An order temporarily, preliminarily, and permanently enjoining Defendant, its agents and servants, and any and all parties acting in concert with any of them, from directly or indirectly infringing in any manner the Lifetime Patents, whether by making, using, selling, offering to sell, or importing in the United States any blow-molded tables falling within the scope of any claims of the Lifetime Patents, pursuant to at least 35 U.S.C. § 283;
3. An order requiring Defendant to destroy its entire stock of infringing products within the United States, pursuant to at least 35 U.S.C. § 283;
4. An award of damages, in an amount to be proven at trial, pursuant to at least 35 U.S.C. § 284;
5. An award of pre-judgment interest, pursuant to at least 35 U.S.C. § 284;
6. An award of costs in bringing this action, pursuant to at least 35 U.S.C. § 284;

7. A declaration that this is an exceptional case and an award of attorneys' fees and expenses, pursuant to at least 35 U.S.C. § 285;
8. An award of post-judgment interest, pursuant to at least 28 U.S.C. § 1961(a); and
9. All other relief which this Court in its discretion deems just, proper, and equitable.

JURY DEMAND

Lifetime hereby demands a trial by jury on all issues so triable.

DATED this 27th day of August, 2012.

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